SINGLE BENCH

C.D. 1001/3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. No. 4523 /2005

PETITIONER : Dr. Ajay Kumar Sinha,
s/o Shri V.P.Sinha,
aged about 38 years,
r/o Pratappur Road,
Godhanpur, Ambikapur,
District Surguja, C.G.

P.R. No. 4705/05
Presented by Shri B.K.Prasad
dated 13/12/05

V E R S U S

RESPONDENTS : 1. The State of Chhattisgarh,
through Secretary,
Department of Higher Education
D.K.S. Bhawan, Raipur, C.G.

2. The Commissioner,
Department of Higher Education,
Government Science College
Campus, Raipur, C.G.

RECEIVED-COPY
A.G.R.G.
BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 4523/05

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8.11.2005 Petitioner by Shri A. K. Prasad, Advocate. Respondents by Shri V.V.S. Moorthy, Deputy Govt. Advocate with Shri Pankaj Shrivastava, Panel lawyer. Heard. The present petition seeks direction of this Court to the effect that the respondents be directed to give preference to those candidates who have passed their M. Phil degree by the year 1993 and the persons who have submitted their Ph.D. thesis on or before 31.12.2002 like the persons who have passed their NET/SLET. The petitioner has further sought a direction that 25 marks be awarded to those candidates who have passed their M.Phil degree by 31.12.1993 or those who have submitted their Ph.D. thesis on or before 31.12.2002. Shri Moorthy appearing for the respondents submits that the respondents will consider the cases of the candidates as per the notification dated 31st July, 2002 which reads as under:-	

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मामला क्रमांक 4523/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

"NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D. degree. However, the candidate who have completed M.Phil degree by 31st December, 1993 or have submitted Ph.D. thesis to the university in the concerned subject on or before 31st December, 2002 are exempted from appearing in the NET examination. In case such candidates fail to obtain Ph.D. degree, they shall have to pass the NET examination."

Shri Moorthy also submitted that the respondents in paragraph 10 of their return have already mentioned as under:-

"10. That necessary amendment in the C.G. Uchcha Shiksha Seva Niyam, 2002 are being made to incorporate in the Note 1 of the amendment 2005 of the rules that "First of all consideration shall be made on the application of the NET/SLET passed candidates or those who have submitted/awarded Ph.D. prior to 31st December 2002 or M. Phil awarded prior to 31st December 1993. In case of non-availability of such candidates the applications of other candidates shall be considered".

Also, 25 merit marks shall also be awarded to candidates who have been awarded/submitted Ph.D.

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मामला क्रमांक ..... 4523/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

prior to 31st December 2002 or M. Phil awarded prior to 31st December 1993 in lieu of NET/SLET due to the exemption granted as per the provisions of U.G.C. Regulation 2002. However, such candidates shall not be entitled for 10 marks for Ph.D. or 5 marks for M.Phil."

In view of the submissions as stated above by Mr. Moorthy, nothing survives in this petition. Accordingly the petition is disposed of finally. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thale

19/11/05
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